

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FRANK ALBERIGO,

Civ. Act. No.: 1:10 CV 04735 (NG)(JO)

Plaintiff,

-against-

**DECLARATION OF  
DANIEL J. ZYCH**

THE HARTFORD,

Defendants.

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Daniel J. Zych, pursuant to 28 U.S.C. §1746(2) declares under penalty of perjury the following:

1. I am currently employed by Hartford Life Insurance Company ("Hartford") as an Appeals Specialist in the Appeals Unit. I am fully familiar with Hartford's procedures concerning the review of long-term disability ("LTD") benefit claims. I was personally involved in the review of Frank Alberigo's ("Alberigo") LTD claim on administrative appeal, which included review of the applicable plan documents and the administrative record.

2. This Declaration is respectfully submitted in support of Hartford's motion for summary judgment.

3. A true and correct copy of the document setting forth the terms and conditions of the applicable group disability benefit policy for the LTD Plan sponsored by LaBranche & Co. Inc. and issued by Hartford, identified by policy number 83127369 effective March 1, 2005 (the "Plan"), which is maintained by Hartford in the normal and ordinary course of business, and was reviewed by me in connection with Alberigo's claim, Bates Stamped ALBERIGO 000001 to ALBERIGO 000068, is annexed hereto as **Exhibit "A."**

4. Annexed hereto as **Exhibit "B"** is a true and correct copy of the documents contained in Hartford's claim file pertaining to Alberigo's LTD benefits claim, Bates Stamped ALBERIGO 0000069 to

ALBERIGO 000429, which is maintained by Hartford in the normal and ordinary course of business, and which was reviewed by me in connection with Alberigo's claim.

5. The decision to deny plaintiff Alberigo's claim for LTD benefits was not motivated by self-interest or by a desire to avoid paying benefits. Rather, the decision was based entirely on the governing terms and provisions of the LTD Plan and the information contained in the administrative record pertaining to Alberigo's claim for benefits.

6. The LTD Plan and the claims file constitute the administrative record kept and maintained by Hartford in the normal and ordinary course of business in connection with Alberigo's claim for LTD benefits under the Plan.

7. The decision to deny Alberigo's claim for LTD benefits was not motivated by self-interest or by a desire to avoid paying benefits. Rather, the decision was based entirely on the governing terms and provisions of the LTD Plan and the information contained in the administrative record pertaining to Alberigo's claim for benefits.

8. In reaching my decision on appeal as set forth in my letter dated February 13, 2009 (ALBERIGO 00111-115), I considered all documents and information submitted by or on Alberigo's behalf in support of his claim or otherwise obtained by Hartford during both the initial claim review and upon his administrative appeal.

9. During my review of Alberigo's denied claim on administrative appeal, I did not discuss the claim with the original Ability Analyst, Donna K. Santeler, who made the initial benefits determination, or her supervisors.

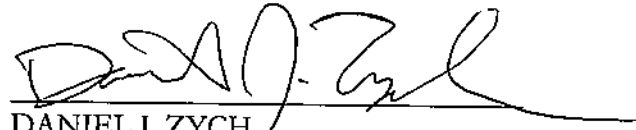
10. During my review of Alberigo's denied claim on administrative appeal, I did not consider the financial impact of denying or approving his claim, or discuss that issue with anyone who works in Hartford's financial or underwriting departments.

11. As an Appeals Specialist at Hartford, I did not receive any remuneration, bonus, award, recognition or other incentives to deny LTD claims. My performance evaluations were based on the

accuracy of my decision-making regardless of whether my decision resulted in an award or denial of benefits on the claims I reviewed.

Dated: November 23, 2011

I declare under penalty of perjury that the foregoing is true and correct.



DANIEL J. ZYCH

**CERTIFICATE OF SERVICE**

I, Matthew P. Mazzola, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF DANIEL ZYCH, WITH EXHIBITS**, was served via regular mail on this 13<sup>th</sup> day of December, upon the following:

Louis R. Burko, Esq.  
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***Attorneys for Plaintiff***

s/\_\_\_\_\_  
Matthew P. Mazzola (MM-7427)

Dated: New York, New York  
December 13, 2011